IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 6521 of 2005

Between:

Y. Parasayya, E-472219, S/so Late Jogayya,
R/o Salur, Vizianagaram District.

..... PETITIONER

AND

1 The APSRTC, rep. by its Regional Manager,
Vizianagaram Region, at Vizianagaram.
2 The APSRTC, rep. by its Depot Manager,
S. Kota, Vizianagaram District.
3 The Depot Manager, APSRTC, Salur Depot, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the 3rd Respondent herein in reducing my basic pay continuously instead of one year from 18-2-2002 in pursuance of the orders vide Proc.No. Steno/95(132)/99-S. Kota, dt. 18-2-2002 as illegal unjust and arbitrary and as such liable to be set aside with a consequential direction to pay the basic pay of Rs.3985/- by duly adding annual increments from 18-2-2003 and to pay the arrears forthwith and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: KUM.B.G.UMA DEVI

The Court at the stage of admission made the following ORDER:

This writ petition is filed by the petitioner seeking a Writ of *Mandamus* declaring the action of the third respondent in reducing his basic pay continuously instead of one year from 18.12.2002 in pursuance of the order dated 18.02.2002 as illegal, unjust and arbitrary and for a consequential direction to pay the basic pay of Rs.3,985/- by duly adding the annual increments from 18.02.2003 and to pay arrears forthwith.

2. The case of the petitioner is that the respondent – Corporation issued a show cause notice to him calling for his explanation and after conducting necessary enquiry, imposed a punishment of reduction of basic pay to the minimum of time scale in the cadre of Driver Grade II and further clarified that he would get the annual increments after completion of one year service after reporting on raising suspension. Now, the grievance of the petitioner is that though the period of one year from the date of imposition of the said punishment had expired, the scale of pay was not restored and he was not given the annual increment as is due after completion of one year as per the orders itself.

3. When the matter came up for admission on 28.03.2005, the learned counsel for the respondents was directed to get instructions, but, no instructions were obtained by him. Therefore, the writ petition is disposed of on merits.

4 . The grievance of the petitioner is that he was not granted annual increments though he had completed one-year service from the date on which his pay was reduced to the minimum scale in the Cadre of Driver Grade II. On a perusal of the impugned order, it is clear that the punishment imposed by the third respondent was only to reduce the minimum of the time scale, but thereafter, from that date of

completion of every year, the petitioner is entitled to increments as per the regulation, therefore, the respondents are directed to grant annual increments to the petitioner on completion of every year and pass orders fixing his pay as on the date. The said exercise is directed to be completed within a period of six weeks from the date of receipt of a coy of this order.

5. The writ petition is accordingly disposed of. No order as to costs.

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S.Ananda Reddy, J

Date: 28.06.2005

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To

1 The Regional Manager, APSRTC,
Vizianagaram Region, at Vizianagaram.
2 The Depot Manager, APSRTC,
S. Kota, Vizianagaram District.
3 The Depot Manager, APSRTC, Salur Depot, Vizianagaram District.

4 2 CD copies

5 1 CC to MR.SUBHAN (OPUC)